UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,558	12/04/2003	Woo Seong Yoon	1630-0409PUS1	2045

2292   7590   01/23/2009
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
LIM, KRISNA

ART UNIT	PAPER NUMBER
2453	

NOTIFICATION DATE	DELIVERY MODE
01/23/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04 November 2008_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office

action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since

this application is eligible for continued examination under 37 CFR 1.114, and the fee

set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has

been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 11/04/08 has

been entered.

2.   Claims 1-21 are pending for examination.

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

1966), that are applied for establishing a background for determining obviousness under

35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

4.   Claims 1-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over

Evans et al. [U.S. Patent No. 7,451,453].

5.   Evans et al. disclosed (e.g., see Figs. 1-14) the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference disclosed a method for reproducing A/V data (i.e., playback the content of DVD) recorded on an interactive recording medium (i.e., DVD), comprising the steps of:

a) receiving playback control information (i.e., control playback at col. 1 (line 34), col. 3 (lines 28-29), user command at col. 1, line 22) for the A/V data from a contents providing server and storing the received playback control information (e.g., see 112, 114 and 124 of Fig. 9, the playback control information including a presentation time (i.e., playing of time ranges, col. 3, lines 17-18, starting and stopping playback, col. 2, lines 11-12) associated with additional contents data (i.e., data file of Fig. 14);

b) presenting the A/V data reproduced from the interactive recording medium (DVD) in conjunction with the additional contents data received from the content providing server (file server and files of Fig. 14) using the stored playback control information (i.e., control playback at col. 1 (line 34), col. 3 (lines 28-29), user command at col. 1, line 22, col. 3 (lines 4-43), col. 5 (lines 13-57)).

6,   Evans et al. did not explicitly mention that their playback control information was stored <u>in one area among at least two areas of a buffer memory which is divided into at least two areas logically</u>. Evans et al. on the other hand disclosed a DVD navigator and DVD2 API that enable a player application to interactively control the playback of DVD content. The DVD2 API consists of <u>two interfaces</u> … the DVD2 API provided thread-based <u>synchronization</u> for real time playback; <u>a playback control mechanism</u> …. And the navigator 106 to include a <u>state 114 associated with the playback process</u>. Here, in state 114, for example, the current user operation … <u>is stored along with the current location within the DVD content (e.g., chapter, time, frame)</u> (e.g., see col. 3, lines 4-43). Using buffer memory for storing data would have been obvious to one of ordinary skill in the art while having the buffer memory divided into whatever numbers of areas would have been a matter of choice for storing data (i.e., in this case using the buffer memory for storing the state of the playback process such as play, stop, pause, reverse, etc.).

7.   As to claim 2, Evans et al. disclosed the additional contents is organized into a plurality of data files (e.g., see 1-n files of Fig. 14).

8   As to claim 3, Evans et al. disclosed the playback control information is provided all at once by the contents providing server or is divided into multiple pieces and provided one by one when needed by the contents providing server (i.e., control playback at col. 1 (line 34), col. 3 (lines 28-29), user command at col. 1, line 22, col. 3 (lines 4-43), col. 5 (lines 13-57)).

9.   As to claim 4, Evans et al. disclosed the playback control information includes access information (e.g., menu, col. 3 (lines 43-45) for data files of the additional contents data to be reproduced in conjunction with some intervals of the A/V data (i.e., control playback at col. 1 (line 34), col. 3 (lines 28-29), user command at col. 1, line 22, col. 3 (lines 4-43), col. 5 (lines 13-57)).

10.   As to claim 5, Evans et al. disclosed the playback control information further includes information on the size of data files (i.e., file size of Fig. 14) of additional contents data that will be received next.

11.   As to claim 6, Evans et al. disclosed the access information for data files of the additional contents data is file names (e.g., see file names of fig. 14) of the data files or addresses of the places in which the data files are stored.

12.   As to claim 7, Evans et al. disclosed the presenting step further includes the step of sending a request to the contents providing server for requiring that the contents providing server change the expected transmission time of data files of additional

contents data to transmit next with reference to the information on presentation time of

each data file included in the playback control information (e.g., see the teaching of

synchronization methods for real-time playback, col. 3, lines 13-14, synchronization

mechanisms, col. 5, lines 14).

13.   As to claim 8, Evans et al. disclosed the request is to delay the expected

transmission time (e.g., see the teaching of synchronization methods for real-time

playback, col. 3, lines 13-14, synchronization mechanisms, col. 5, lines 14).

14.   As to claim 9, Evans et al. disclosed the request to delay the expected

transmission time is made when the additional contents data files cannot be stored in

the remaining space of a means the one area of the buffer memory (e.g., see the

teaching of synchronization methods for real-time playback, col. 3, lines 13-14,

synchronization mechanisms, col. 5, lines 14).

15.   As to claim 10, Evans et al. disclosed determining a transmission method for

additional contents data to be received next by comparing the information on the size of

data files of additional contents data that will be received next with the size of the

remaining space the one area of the buffer memory for temporarily storing the additional

contents data and sending a transmission request according to the determined method

(e.g., see the teaching of synchronization methods for real-time playback, col. 3, lines

13-14, synchronization mechanisms, col. 5, lines 14).

16.   As to claim 11, Evans et al. disclosed the transmission request is for requiring

that the contents providing server divides the data files of the additional contents data

that will be received next into several groups (e.g., ranges of chapter, col. 7, line 8) and

transmit the groups individually.

17.   As to claim 2, Evans et al. disclosed the transmission request is for requiring that

the contents providing server compresses the data files (e.g., the output is

decompressed, col. 3, line 47) of the additional contents data that will be received next

before transmission.

18.   As to claim 13, Evans et al. disclosed the information on the lowest allowable

compression rate (e.g., the output is decompressed, col. 3, line 47) is provided when

the request is made.

19.   Claims 14-24 are similar in scope as of claims 1-13, and therefore claims 14-24
are rejected for the same reasons set forth above for claims 1-13.

20.   The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure.
        The references are cited in the Form PTO-892 for the applicant's review.

        A shortened statutory period for response to this action is set to expire 3 (three)
months and 0 (zero) days from the mail date of this letter. Failure to respond within the

period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133,

M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956 The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kl

January 18, 2009

/Krisna Lim/
Primary Examiner, Art Unit 2453